

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ROLLY WILLIS,)	
)	Case No.
)	
Plaintiff,)	
)	
v.)	Removed from State Court of
)	Cobb County, Civil Action File
THE KROGER COMPANY and)	No. 23-A-323
JOHN DOES 1, 2, 3,)	
)	JURY TRIAL DEMANDED
Defendants.)	
)	

NOTICE OF REMOVAL BY DEFENDANT THE KROGER CO.

COMES NOW **THE KROGER CO.**, Defendant in the above-styled civil action, by and through undersigned counsel, and files this Notice of Removal, showing the Court as follows:

1.

This action was filed in the State Court of Cobb County, Georgia, said county being part of the Northern District of Georgia. See N.D.G.A. Local Rule 3.1(A), LR App. A, I. This, the Atlanta Division of this Court, is the proper Division for this removal as further set forth below.

2.

The action is a civil action for personal bodily injuries and medical expenses, and the United States District Court for the Northern District of Georgia has jurisdiction by reason of the diversity of citizenship of the parties.

3.

The matter in dispute exceeds \$75,000.00, the statutory amount in controversy, exclusive of interest and costs, as Plaintiff's counsel has represented in writing that Plaintiff demands a sum of one hundred and fifty thousand dollars (\$150,000.00) be paid to resolve her claims against The Kroger Company. See Exhibit A.

4.

- (a) At the time of the commencement of this action in the State Court of Cobb County, upon information and belief, and according to Plaintiff's *Complaint for Personal Injuries*, Plaintiff Rolly Willis was and is now a citizen of Georgia.
- (b) Defendant Kroger at the time this action was commenced was and still is a corporation, incorporated and existing under and by virtue of the laws of Ohio having its principal place of business in Ohio, and a citizen of Ohio.

5.

A true and correct copy of all process, pleadings, and orders served upon Defendant in this action are attached hereto as Exhibit B.

6.

The instant Notice of Removal is timely filed pursuant to and in accordance with 28 U.S.C. § 1446(b) within thirty days after the receipt by Defendant's counsel of Plaintiff's Summons and Complaint, attached as part of Exhibit B.

7.

Furthermore, the instant Notice of Removal is timely filed pursuant to and in accordance with 28 U.S.C. § 1446(c)(1) within one year of the commencement of the action.

8.

Accordingly, this action, over which the United States District Court for the Northern District of Georgia has original jurisdiction under 28 U.S.C. § 1332, is removable to the United States District Court for the Northern District of Georgia pursuant to 28 U.S.C. § 1441.

9.

Venue is proper in the Atlanta Division of the United States District Court for the Northern District of Georgia pursuant to 28 U.S.C. § 1441, 28 U.S.C.

§ 1391, and N.D.G.A. Local Rule 3.1(B)(1)(a). Specifically, Plaintiff's Complaint was filed in the State Court of Cobb County, which is part of the Atlanta Division. See N.D.G.A. Local Rule 3.1(A), LR App. A, I.

10.

As required by 28 U.S.C. § 1446 (d), Defendant shall give written notice hereof to all adverse parties and shall file a copy of this Notice of Removal with the Clerk of the State Court of Gwinnett County.

WHEREFORE, Defendant, The Kroger Co., requests that this action proceed in this Court as an action properly removed to it.

Respectfully submitted, this 16th day of March, 2023.

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Co.*

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing with the Clerk of Court using the Court's electronic filing-and-service system, which will send electronic notification to all parties having appeared of record in this action:

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Counsel for Plaintiff

Respectfully submitted, this 16th day of March, 2023.

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